

## **REMARKS**

Claims 1-7 were previously pending in the application. Applicant has amended claims 1, 2 and 6, cancelled claims 3 and 5, and added new claims 8 and 9. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2, 4 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ramaswami (U.S. Pat. No. 6,947,623). This rejection is respectfully traversed.

Applicant has amended claims 1 and 2. Amended claim 1 recites receiving a working status signal output generated by the protected device and an output optical-signal from the protected device, and selecting one from the second duplicated optical-signal and the output optical-signal of the protected device according to the working status signal output of the protected device, and sending the selected one to a destination-neighboring device.

Ramaswami fails to teach or suggest “receiving a working status signal output generated by the protected device and an output optical-signal from the protected device”, as recited in claim 1. In Ramaswami, the switch status signals and switch control signals are generated at I/O ports at the destination receiving side rather than at a redundant optical switch core. See, Ramaswami, col. 7, lines 3-17.

It is important where the working status signal is generated. In Ramaswami, it appears that packets are transmitted to the destination device by the protected device even if the protected device is not operating normally and that working status signal is

generated at the destination receiving side; the failure occurring in the protected device is unable to be detected, because packets are still received by the destination device; only failures of abnormal physical links can be detected; working status of the protected device can not be monitored. In the claimed invention, if failures such as abnormal software, abnormal traffic, abnormal function and the like occur in the protected device, the destination device can determine if the protected device is abnormal according to the working status signal generated by the protected device.

Furthermore, Ramaswami fails to teach or suggest “sending directly the second duplicated optical signal to be selected”, as recited in claim 1. Ramaswami appears to discuss, as shown in Fig. 9, that the optical switch receives the second optical signal to be selected and the second optical signal (signal 635) is sent to the optical switch via the optical switch core; the second optical signal is first processed by the optical switch core and then sent to the optical switch. In the claimed invention, the second duplicated optical signal is directly sent to the optical-signal selecting unit, without being processed.

In the third paragraph of the “Response to Arguments” part of the Office action, the Examiner stated that the expression “the switch status signals and switch control signals are generated in I/O port rather than redundant optical switch core, namely, at the destination receiving side the switch status signals and switch control signals are generated” indicated some features, but these features were not found in the claim. As Applicant clearly pointed out in the previous response dated October 20, 2006, the stated features are disclosed by Ramaswami. Applicant respectfully submits that the

status signal is generated by the protected device, not the I/O port as discussed in Ramaswami.

In view of the foregoing, Applicant respectfully submits that claim 1 and its dependent claim 2 define over the art cited by the Examiner. Likewise, claims 4 and its dependent claim 7 also define over art cited by the Examiner.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner stated that claims 3, 5 and 6 would be allowable if rewritten in independent form. Applicant has cancelled claims 3 and 5, amended claim 6 and added new claims 8 and 9. Claims 8 and 9 are original claims 3 and 5 rewritten in independent format. Claim 6 is amended to depend from the new claim 9. Claims 6, 8, and 9 are now in condition for allowance.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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